

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HARRY SHAROD JAMES-EL,)
)
 Plaintiff,)
)
 v.) 1:21CV487
)
 ERIK A. HOOKS, et al.,)
)
 Defendant(s).)

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 16, 2021, was served on the parties in this action. (ECF No. 3). Plaintiff filed an objection to the Recommendation. (ECF No. 5).

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

Plaintiff also filed a document entitled “Motion for Transfer to Cure Want of Jurisdiction,” (ECF No. 6), and a document entitled “Motion Challenging Jurisdiction”, (ECF No. 7.) Both motions appear to challenge the jurisdiction of this Court to hear Plaintiff’s claims. 28 U.S.C. § 1331 provides that “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Plaintiff’s motions are without merit and will be denied as Plaintiff is the one who

filed the Complaint in this action asserting a basis for jurisdiction under federal law, specifically, 42 U.S.C. § 1983. (ECF No. 2 at 3.)

IT IS THEREFORE ORDERED that Plaintiff's motions entitled "Motion for Transfer to Cure Want of Jurisdiction", (ECF No. 6), and "Motion Challenging Jurisdiction", (ECF No. 7), are DENIED.

IT IS FURTHER ORDERED that this action is FILED and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 9th day of December 2021.

/s/ Loretta C. Biggs
United States District Judge